

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10777 of 2018

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Dularchand Das @ Dulalchand Das S/o Late Jaldhar Das, R/o Vill.- Saiya Bazar,
P.S.- Katoriya, District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection
Department , Government of Bihar, Patna.
2. The Collector , Banka.
3. The Block Supply Officer, Chandan, Banka.

.... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Vijay Anand, Adv.
For the Respondent/s : Mr. Anishul Haque, AC to AAG-5

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

Date: 16-08-2018

Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioners seeks release of his 50 quintals of rice seized
by the Block Supply Officer, Chandan, Banka on the information
given by the Mukhiya of the said village on 22.08.2017 for which
Suiya P.S. Case No. 98 of 2017 was lodged under Section 7 of the
E.C. Act.

Learned counsel for the petitioners submits that he is a rice
miller and the seized rice are freehold goods and is proprietor of Shri
Guru Rice Mill situated at Chandan, Banka and that the said rice was



seized from the Pick-up Van bearing Registration No. BR01G-9262 near the house of a PDS dealer Arvind Kumar Singh, as such allegation of black marketing has been alleged. He submits that rice being a freehold commodity and perishable in nature, the same be released in his favour.

Learned counsel for the State appears and has been heard.

Considering the nature of relief claim of the petitioner and that rice being a perishable commodity, the same be released in favour of the petitioner within a period of four weeks from today after furnishing sufficient security to the satisfaction of the learned SDJM, Banka. However, such release will be subject to the criminal proceedings pending against the petitioner.

Writ application is allowed as above.

(Nilu Agrawal, J)

Devendra/Priyanka

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.08.2018
Transmission Date	NA

